where the college is situated as his home, even though he may intend at some future time to remove, is entitled to vote, is in accord with the majority of the decisions, and with the principle stated above. A leading New York case states that acquisition of a residence in the district must not only be intended, but accomplished wholly outside his student character. *In re Goodman,* 146 N. Y., 284. This rule was carried to an unreasonable extreme when it was held that a student had not changed his residence so as to acquire the right to vote, when he entered a seminary for the purpose of becoming a priest, and a rule of the seminary was that no person be allowed to enter as a student unless he renounce all other residences or homes, and that on his admission to the priesthood he continue in the seminary until assigned elsewhere. *In re Barry,* 164 N. Y., 18. On the other hand it has been held, going to the other extreme, that a student may vote where his college is located though he went there only for instruction. The fact that he is supported by his parents and spends his vacations with them, is strong, but not necessarily conclusive evidence to prove that he has not changed his residence. *Hall v. Schoenecke,* 128 Mo., 661. The presumption is that the student has not the right to vote, and if he attempts to do so, the burden is on him to prove his residence, *Welch v. Shumway,* 232 Ill., 54, and there should be other satisfactory evidence besides the student's own declaration. *In re Lower Oxford Elections,* 11 Phila., 641.

ELECTRICITY—DEFECTIVE INSULATION—PROXIMATE CAUSE.—TROUT ET AL. V. PHILADELPHIA ELECTRIC CO. 84 ATL. (PA.), 967.—*Held,* that where a boy on the roof of a house threw a corncob tied to a string over a defectively insulated wire and pulled it towards him to detach his kite, caught on the wire, and touched the wire with one hand and was killed by the shock, the boy's act, and not the defective insulation, was the proximate cause of the injury.

Electricity being an exceedingly dangerous agency, those dealing with it are held to a very high degree of care commensurate with the danger. *Harroun v. Brush Elec. Co.,* 42 N. Y. S.., 716; *Gilbert v. Duluth Elec. Co.,* 93 Minn., 99. It is the duty of the company to use the highest and utmost care to safely insulate its wires at places where people are likely to come into contact with it. *McLaughlin v. Louisville Elec. Co.,* 100 Ky., 173; *Fitzgerald v. Elec. Co.,* 200 Pa. St., 540. This duty as to perfect insulation does not extend to places where no one can reasonably be expected to go. *Calumet Elec. Co. v. Grosse,* 70 Ill. App., 381; *Hector v. Boston Elec. Co.,* 174 Mass., 212. Contributory negligence on the part of a plaintiff in an action for injury done by electricity precludes recovery. *Cumberland v. Lottig,* 95 Md., 42; *Danville St. Car Co. v. Watkins,* 97 Va., 713. As to the duty to guard against injury to children from electric wires there is no general rule. Most Courts recognize a higher duty to children than to other persons. *Denver Elec. Co. v. Walter,* 39 Colo., 301; *Nelson v. Branford Lighting Co.,* 75 Conn., 548. Where a boy climbing

over a railing reached up and touched an uninsulated electric wire and was injured, the defendant company was held liable. *Elec. Light Co. v. Healey,* 65 Kan., 798. So where a child, hunting a ball on the top of a building, came into contact with an uninsulated wire and was injured, the Court held that the child was not guilty of contributory negligence, and the company was held liable for the injury. *Day v. Consolidated Light Co.,* 136 Mo. App., 274. But in a similar case in Massachusetts the Court reached a contrary conclusion. *Sullivan v. Boston R. Co.,* 156 Mass., 378. So where a boy was on the roof of a house to look into an adjoining theater, and was injured by the defendant's wire, in an action to recover damages the Court held, that aside from the question as to the defendant's negligence in maintaining its wires, the plaintiff's contributory negligence in touching the wire was a bar to recovery, if he was old enough to know better. *Cumberland v. Lottig,* 95 Md., 42. And where a boy playing in the street threw a piece of telephone wire over an imperfectly insulated electric wire of the defendant's, the Court held the company not liable for the injury, and the act of the boy was held to be the proximate cause of the injury. *Stark v. Muskegon Traction Co.,* 141 Mich., 575. The circumstances in the principal case are peculiar. The facts show that the defective insulation was not in a place where people are likely to come into contact with the wires, and the injury was brought about by the independent act of the boy in a way which could not have been anticipated by the company. In view of these facts the rule laid down in the principal case must be regarded as sound.

EMINENT DOMAIN—NATURE OF RIGHT—CHANGE OF USE.—LUCAS ET AL. V. ASHLAND LIGHT, MILL & POWER CO., 138 N. W. (NEB.), 761.—Right of flowage of private lands for the purpose of erecting a dam to run a grist mill was obtained in *ad quod damnum* proceedings by the defendant's assignor. After ten years' use the mill was destroyed and an electric light plant placed on the site. In a proceeding to restrain defendant from maintaining this dam for the manufacture of electricity it was held that it was not necessary to recondemn the land for the new use.

The law of eminent domain will not authorize the taking of private property except for public use. *Loughridge v. Harris,* 42 Ga., 500; *Anderson v. Kerns Draining Co.,* 14 Ind., 99; *Bennett v. Doyle,* 14 Barb., 551. In *ad quod damnum* proceedings one of the findings of the jury must be that the proposed use is a public use. *McCulley v. Cunningham,* 96 Ala., 583; *City of Detroit v. Jno. Brennan & Co.,* 93 Mich., 338; *St. Louis, etc., R. Co. v. Petty,* 57 Ark., 359. The right acquired in condemnation proceedings, where the fee to the land is not acquired, is limited to an easement for the particular purpose intended. *Newton v. Manufacturers' Ry. Co.,* 115 Fed., 781; *Julien v. Woodsmall,* 82 Ind., 568. An abandonment or non-user forfeits such an easement. *Newton v. Manufacturers' Ry. Co., supra; Jessup v. Loucks,* 55 Pa. St., 350. Change of use is an abandonment. *Gross v. Jones,* 85 Neb., 77. When a particular use for which an easement in land has been acquired is abandoned, the land must be re-